

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, December 15, 2014  
at 6:00 P.M.**

**Council President Robert J. Sylvia, Presiding**

**Councillor Henry F. Lombardi, Jr.**

**Councillor Paul M. Rodrigues**

**Councillor M. Theresa Santos**

**Councillor Antone C. Viveiros**

**Councillor Barbara A. VonVillas, Members Present**

**Vice President Robert Kempenaar, II, Absent**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **6:00 PM - EXECUTIVE SESSION**

**1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Middletown Municipal Employees Association NEARI Local 869 - Town Hall, NEA Middletown - Certified Teachers, Middletown Association of Auxiliary Personnel/NEARI/NEA – Teacher Assistants RI Council 94, AFSCME, AFL-CIO, Local #1823 – Maintenance/Custodial, Middletown Public Library Employees Association/NEARI Unions), (2) Potential Litigation, (2) Potential Litigation and (5) Land Acquisition (West Main Road and Burma Road).**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:02 pm.**

**Councillor Rodrigues recused himself from executive session at 6:09 pm; left the session, due to a possible conflict of interest.**

**Councillor Lombardi recused himself from executive session at 6:09 pm; left the session, due to a possible conflict of interest.**

**Councillor Lombardi and Councillor Rodrigues joined the session at 6:30 pm.**

**Councillor Rodrigues recused himself from executive session at 6:45 pm; left the session, due to a possible conflict of interest.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:57pm.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to retain Attorney Marc Desisto and Attorney Jerry**

**Petros to represent the Town in the State Pension Lawsuit.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to authorize the Town Administrator to execute the Memorandum of Agreement from the Town Hall Union (NEARI).**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.**

**Councillor Santos noted that December 7, 2014 has come and gone, the names of men lost in World War II are engraved on the boulder behind Peckham School bleachers. The seventeen names on the boulder will be added to the Veterans plaque, which is displayed in Town Hall. The name of Michael Paranzino will also be added to the plaque.**

**PRESENTATION**

**2.**

**Memorandum of Fire Chief, thru Town Administrator, re: Swearing in ceremony of new Firefighters.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and begin presentation.**

**Fire Chief Ronald Doire introduced the three Probationary Firefighters Kevin Mancini, Craig Schmidt and Ben Godek who were sworn in by the Town Clerk and pinned by family members.**

**Council President Sylvia presented Fire Chief Doire and the Fire Department with a Citation in recognition of the countless hours employees have devoted to spreading holiday joy and cheer to local children by bringing Santa Claus to visit every neighborhood, during the month of December.**

## **PUBLIC FORUM**

**3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.**

**No one spoke during this session.**

**Councillor Santos requested that item #11 be heard under the regular portion of the docket.**

## **CONSENT**

- 4. Approval of Minutes, re: Special Meeting, November 24, 2014.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to approve said minutes.**

- 5. Approval of Minutes, re: Regular Meeting, December 1, 2014.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to approve said minutes.**

- 6. Resolution of the Town of Richmond, re: Requesting support for designating the month of November as Pancreatic Cancer Awareness Month.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said resolution.**

**7. Resolution of the Town of Tiverton, re: Requesting to postpone the Dec. 11th, 2014 adoption of the “economic development plan” known as RhodeMapRI.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said resolution.**

**8. Resolution of the Town of Foster, re: To postpone the Dec. 11th, 2014 adoption of the “economic development plan” known as RhodeMapRI.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said resolution.**

**9. Resolution of the Town of Portsmouth, re: State Economic Development Plan - September 2014.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said resolution.**

**10. Resolution of the Town of Situate, re: Requesting postponement of the State's Approval/Adoption of the RHODEMAPRI Planning Proposal.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said resolution.**

**11.**

**Communication of Tax Assessor and Finance Director, with enclosure, re: Cancellation of Taxes for certain Middletown residents.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Santos noted concern regarding abatements going back to 2006 and inquired if there are other properties in Town with this issue?**

**Town Administrator Shawn Brown, responding to Councillor Santos, noted that Town Hall staff works diligently and only bills resident for what is owed to the Town.**

**12. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to pass said resolution.**

**13. Resolution of the Council, re: Requesting General Assembly ratification of Town of Middletown Charter amendments approved by voters on November 4, 2014.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to pass said resolution.**

**14. Communication of Robert M. Silva, Esquire, on behalf of Seaview Inn, LLC, re: Petition to rezone property at 240 Aquidneck Avenue, designated as Lots 5, 53, 54 and 55 on Tax Assessor's Plat 115. (Requires Planning Board Recommendation)**

**On motion of Councillor Rodrigues, duly seconded, it was voted**

**unanimously to receive said communication and forward to the Planning Board for recommendation.**

**15. Communication of Mark D. Kauffman, PE, Activity Coordinator, NAVSTA Newport, Resolution Consultants, with enclosure, re: Land Use Control (LUC) Remedial Design (RD), Decision Unit (DU) 5-1, Tank Farm 5 (Site 13), Operable Unit 2, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication and document regarding Land Use Control (LUC) Remedial Design (RD), Decision Unit (DU) 5-1, Tank Farm 5 (Site 13), Operable Unit 2, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

**16. Communication of Mark D. Kauffman, PE, Activity Coordinator, NAVSTA Newport, Resolution Consultants, with enclosure, re: Land Use Control (LUC) Remedial Design (RD) McAllister Point Landfill (Site 1), Operable Unit 1 and 4, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication and document regarding Land Use Control (LUC) Remedial Design (RD) McAllister Point Landfill (Site 1), Operable Unit 1 and 4, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

**17. Communication of Mark D. Kauffman, PE, Activity Coordinator, NAVSTA Newport, Resolution Consultants, with enclosure, re: Land Use Control (LUC) Remedial Design (RD), NUSC Disposal Area (Site 8), Operable Unit 7, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication and document regarding Land Use Control (LUC) Remedial Design (RD), NUSC Disposal Area (Site 8), Operable Unit 7, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

## **ORDINANCE**

**18.**

**Memorandum of Fire Chief, thru Town Administrator, re: Fee Ordinance/Fire Code Plan Review.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown noted that Fire Plan Review fees are charged in other cities and towns.**

**Fire Chief Ronald Doire reviewed the memorandum above. Fire Chief Doire and Fire Marshal McCall were present to answer Council questions.**

**Discussion centered around that fees would be assessed if it's a new home or if an existing home is 50% remodeled and the average fee to is \$75.00, which is allocated to the fire prevention fund dictated by state law.**

### **19. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36, Fee Schedule, (47) Fire Plan Review.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

**TOWN ADMINISTRATOR**

**20.**

**Memorandum of Town Administrator, with enclosure, re: Middletown Police Department Rules and Regulations.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown reviewed the memorandum above.**

**Police Chief Anthony Pesare noted that changes are not substantial; language is now gender neutral, changes in the sick leave area and changes due to the Police Officers bill of rights.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to approve said Police Department Rules and Regulations.**

**21. Memorandum of Town Administrator, with enclosure, re: Draft Ordinance for Chicken Hens.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown reviewed the memorandum above and draft ordinance, entered here:**

**Discussion centered around the meaning of house lot, concern that the east side of the Town restrictions on the number of chickens, inspection and approval process, the cost attached to regulate the ordinance and ordinance managed by the Animal Control Officer.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to forward draft ordinance to the Town Solicitor for**

**review and to prepare the ordinance in proper form.**

**22. Memorandum of Town Administrator, with enclosure, re: Draft Street Light Policy.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown reviewed the memorandum above. Mr. Brown explained that the policy is similar to the stop sign policy. Town Administrator Shawn Brown also noted that the Finance Director is working with the Town Planner and Public Works Director to replace street lights with LED lights.**

**Enter policy**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to adopt said Street Light Policy**

**23. Memorandum of Town Administrator, with enclosure, re: Chases Lane Safety Improvements.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown reviewed the memorandum above.**

**John Shevlin, PE. Senior Vice President, PARE Engineering, reviewed the Chases Lane report, entered here:**

**Discussion centered around types of speed tables, bumps, stop signs not being a speed deterrent and the difference between speed hump versus speed bump.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to support PARE's near-term solutions for Chases Lane, request the Town Administration to schedule a meeting with Chases Lane property owners to review the project scope and determine whether they are supportive of the initiative, support the long-term recommendation of PARE to install sidewalks on both sides of the roadway and add the long-term recommendation project to the Capital Improvement Program for further consideration.**

**24. Memorandum of Town Administrator, with enclosure, re: Forest Avenue Safety Evaluation and Oliphant Lane discussion.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown reviewed the memorandum above.**

**John Shevlin, PE. Senior Vice President, PARE Engineering, reviewed the Forest Avenue report, entered here:**

**Discussion centered around the cost of mini roundabouts, 3-way intersections, Forest Avenue being the route used for Fire service to the west side residents and input from residents on Forest Avenue and Oliphant Lane regarding safety evaluation.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to authorize the Town to engage PARE to complete a safety study of Oliphant Lane similar to the study completed for Forest Avenue and schedule meeting with Forest Avenue and Oliphant Lane residents.**

**25. Memorandum of Town Administrator, with enclosure, re: Forest Avenue Sign Improvements.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown noted that the memorandum above is an update/inventory of signs on Forest Avenue.**

**Public Works Director Tom O'Loughlin reviewed the memorandum, above.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

**26. Memorandum of Council President Sylvia, re: Nomination/Appointment of Assistant Solicitor for Conflict Matters.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and appoint Attorney J.**

**Russell Jackson as Assistant Solicitor for Conflict Matters.**

**27. Appointment of one (1) member to the Aquidneck Island Planning Commission Board of Directors for a term expiring December 2017.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to appoint Richard P. Adams to the Aquidneck Island Planning Commission Board of Directors for a term expiring December 2017.**

**28. Appointment of three (3) members to the Beach Commission for terms expiring November 2016.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to reappoint David P. Leys, M. William Seiple and Rian M. Wilkinson to the Beach Commission for terms expiring November 2016.**

**29. Appointment of one (1) member to the Conservation Commission to complete a term expiring July 2016.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to appoint Mark Donahue to the Conservation Commission for a term expiring July 2016.**

**30. Appointment of one (1) member to the Juvenile Hearing Board to complete a term expiring April 2015.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to appoint Carmela Geer to the Juvenile Hearing Board to complete a term expiring April 2015.**

**31. Appointment of one (1) member to the Middletown Economic Development Advisory Committee to complete a term expiring**

**January 2016.**

**On motion of Councillor Rodrigues, duly seconded, to appoint David Lepore to the Economic Development Advisory Committee it was voted to appoint David Lepore to the Economic Development Advisory Committee for a term expiring January 2016; Councillor VonVillas voted NO to said motion.**

**32. Appointment of two (2) members to the Open Space and Fields Committee, there are two (2) terms expiring November 2017 and one (1) to complete a term expiring November 2016.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to reappoint Nicholas Coogan and appoint Mark Donahue to the Open Space and Fields Committee for terms expiring November 2017.**

**33. Appointment of one (1) member to the Personnel Board for a term**

**expiring December 2017.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to appoint William Macioci to the Personnel Board for a term expiring December 2017.**

**34. Appointment of Tree Warden for the 2015 calendar year.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to reappoint Alan Kirby as Tree Warden for the 2015 calendar year.**

**Council President Sylvia wished all a Very Best Holiday Season and New Year.**

**On motion of Councillor Rodrigues, duly seconded, it was voted**

**unanimously to adjourn said meeting at 8:40 p.m.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**

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